

Before the

Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Reclassification of License of)
Station KHTT(FM), Muskogee, Oklahoma)

RM-11175

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ORDER TO SHOW CAUSE

Adopted: March 2, 2005

Released: March 4, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a petition for rulemaking filed by Charles Crawford ("Petitioner"), seeking to amend the FM Table of Allotments by allotting Channel 295A to Boswell, Oklahoma, as that community's second local FM transmission service. To accommodate the allotment of Channel 295A to Boswell, Petitioner requests the reclassification of Station KHTT(FM) ("KHTT"), Channel 295C, Muskogee, Oklahoma, to specify operation on Channel 295C0 because that station is operating at below minimum Class C facilities. Petitioner has also certified, as required, that no other Class A channel is available for allotment at Boswell.¹

2. Station KHTT currently operates on Channel 295C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 308 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of 451 meters HAAT. The staff has tentatively concluded that if Station KHTT operates as a Class C0 facility, any short-spacing between Station KHTT and the proposed use of Channel 295A at Boswell at the proposed site would be eliminated. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Renda Broadcasting Corporation of Nevada, licensee of Station KHTT, Muskogee, Oklahoma, to show cause why its facilities should not be reclassified.

3. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, a petitioner may initiate the reclassification of a Class C FM station to a Class C0 station through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a Notice of Proposed Rule Making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this *Order to Show Cause* directed to Renda Broadcasting Corporation of Nevada, to show cause why Station KHTT's license should not be modified to specify operation on Channel 295C0 in lieu of Channel 295C at Muskogee, Oklahoma. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the

¹ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd 21649, 21662-63 (2000).

Commission's Rules.² In this instance, the reclassification of Station KHTT as a Class C0 station at Muskogee, Oklahoma, will accommodate the allotment of Channel 295A to Boswell, Oklahoma, as proposed by Petitioner. We consider the proposed reclassification of Station KHTT to have sufficient public interest benefits to justify the issuance of a show cause order.

4. The Station KHTT license at Muskogee, Oklahoma, can be modified to allow the reclassification of Channel 295C to Channel 295C0 at its currently authorized transmitter site.³

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Renda Broadcasting Corporation of Nevada, licensee of Station KHTT, Muskogee, Oklahoma, SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 295C0, Muskogee, Oklahoma.

6. Pursuant to Section 1.87 of the Commission's Rules, Renda Broadcasting Corporation of Nevada may, no later than April 18, 2005, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest. If Renda Broadcasting Corporation of Nevada chooses to seek authority to modify Station KHTT's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT or the equivalent must be on file with the Commission within 180 days subsequent to the show cause response due date (April 18, 2005).

7. IT IS FURTHER ORDERED, That a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Renda Broadcasting Corporation of Nevada
ATTN: Mr. Alan Serena, Vice President
900 Parish Street, 4th Floor
Pittsburgh, Pennsylvania 15220

² See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Red 3327 (1987).

³ The reference coordinates for Channel 295C at Muskogee, Oklahoma are: 35-51-41 NL and 95-46-03 WL.

8. For further information on this proceeding, contact R. Barthen Gorman, Media Bureau
(202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau